

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLAINTIFFS' EXHIBIT 24

October 2018 News Articles Reporting on Findings of City's Disparity Study
(DEF07790-07791)

From: Bryan C. Clark
To: City Manager; Constitutional Officers and Appointed Officials; Department Directors; Executive Assistants; Communications Office; Communications Network
Subject: VB City Clips - October 18, 2018
Date: Thursday, October 18, 2018 10:07:33 AM

City News

Virginia Beach has "substantial disparities" in minority and women-owned contracts, report says

The Virginian-Pilot – Oct. 17, 2018

An in-depth review of city contracts has revealed that businesses owned by minorities or white women are not getting enough opportunities to work with Virginia Beach. Last summer, the city hired a consultant to independently analyze the demographics of the firms that it contracted with over a five-year period. The findings showed that businesses owned by Native Americans, Hispanics and African Americans, in addition to white women, were significantly underutilized, said Sameer Bawa, a managing director for BBC Research & Consulting. "The data suggests that there are substantial disparities that exist for many groups, even while the city has been using relatively strong small-business-based measures," Bawa told the City Council on Tuesday. Council members have been anxiously awaiting the outcome of the analysis since they voted to spend nearly \$425,000 to explore the issue after facing mounting pressure from the community.

BBC looked at \$1.2 billion worth of contracts and determined that only \$221.8 million of those dollars went to minority or white women-owned companies. Both Native Americans and Hispanics have secured less than 1 percent of the total contracts. African Americans landed 4.5 percent of total procurement dollars. Asians earned 5.6 percent, but Bawa said the majority of that money went to a single firm. In November 2016, NFL Hall of Famer Bruce Smith asked the mayor in a letter to allow the City Council to support a disparity study to "ensure that qualified minority owned businesses have an equal, unbiased and unfettered path to opportunity in doing business at the oceanfront." Smith has said that he has faced significant barriers as an African American trying to obtain public-private partnership deals. In that letter, Smith wrote: "I am left to question whether we are still operating under the implicit mandate of the Old South, which would require that economic empowerment and enfranchisement be reserved for whites only. Is the Virginia Beach establishment safely guarding its gates to ensure that its most hallowed and exclusive club remains forever closed to minorities? Or is the fact that there is not one majority owned African American business at the oceanfront in the year 2016 also an issue of cronyism in Virginia Beach's government?" His letter inspired the Virginia Beach Interdenominational Ministers Conference to organize a march down Atlantic Avenue in February 2017.

Smith, who attended the presentation on Tuesday, said: "This is a great day for women, minorities and small businesses." Gary McCollum, one of the ministers who led the march, said he is proud that the city commissioned the study. He said faith leaders would work with the city to make sure the recommendations are implemented. "We aren't surprised by those results," McCollum said. "We knew that there was a disparity, but we had to go through this process to show that. We have some issues, we looked in the mirror, we saw those issues, and we are going to deal with it." Bawa revealed some of the statistics on Tuesday, but did not give a comprehensive report to council members. Bawa, who earned his Ph.D. in psychology from the University of Virginia and is an expert on conducting disparity studies, said his company expects to release the full analysis in November. "It is common for cities to show disparities for particular groups," Bawa said in an interview. "There isn't anything particularly unique about the city's results when you compare them with other cities of the same size."

Virginia Beach mayoral candidates respond to disparity study results

13 News Now – Oct. 17, 2018

On Wednesday, the two Virginia Beach mayoral candidates responded to the results of a

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disparity study, both agreeing there's a problem in how the City of Virginia Beach awards contracts to businesses. The outcome of a year-long disparity study has painted a harsh reality for the City of Virginia Beach. The results revealed the city is lagging when it comes to giving women and minority-owned businesses equal opportunity. The \$424,000 study, conducted by BBC Research and Consulting from Denver, found less than 20% of the city's contracts went to businesses owned by minorities, women, and veterans. The research company said that number should be closer to 25 percent. Virginia Beach councilmember and mayoral candidate **Bobby Dyer** said the results are a wake-up call. "We learned from this," said Dyer. "I think we've gotta realize that we have the perception in the city that it's very tough to do business." His opponent, candidate **Ben Davenport** said he wasn't surprised by the results. "This is endemic of what's happening all over the united states right now," said Davenport.

The disparity study was brought to the forefront by NFL Hall of Famer Bruce Smith. He said he was passed over for his Oceanfront development proposal. After he spoke out, conversations sparked around the largest city in the commonwealth. While city leaders initially refrained from having a disparity study conducted, it later agreed to have one conducted. Both candidates acknowledged the city needs to improve when it comes to how it awards contracts to businesses. Dyer believes the current issue is that there's a culture of favoritism. "Some businesses: cronyism. They get carte blanche. Other people have to jump through hoops," said Dyer. "We've gotta level the playing field, that's the objective." Davenport said city leaders have a long road ahead of them before they can improve. "We've got work to do, but we also have to make sure that whoever wants to do business with the city has the capacity to do business with the city," said Davenport. "I believe the final draft is going to give us some very specific instructions on what we can do to engage minority and women-owned contractors in the region to make sure that we are being equitable."

Dyer said he and other city leaders must continue working closely with the Minority Business Council in order to improve. "Going forward, whatever means it takes for us to engage every business with 'Small Businesses are Big Business' (SWaM), but don't forget it's women, minorities, it's disabled. We've gotta get these folks equal access to everything and that's the direction I would proactively move to," said Dyer. Wednesday evening, City Manager Dave Hansen wrote a letter to Mayor Louis R. Jones and City Council members. The letter stated: "Through the study, we are learning how disparity is measure and how our performance compares to federally accepted standards. We remain committed to being a diversified and welcoming city where all businesses can compete fairly. The staff is already working on innovative approaches for future contracting opportunities."

Rabid raccoon found in Virginia Beach subdivision

WTKR – Oct. 17, 2018

The City of Virginia Beach confirmed that a raccoon found in the Trant Berkshire subdivision of Virginia Beach tested positive for rabies. The raccoon was found Wednesday in the 2700 block of Robin Drive. "Please contact your physician or the Health Department at 518-2700 if you, a family member or pet has had any exposure," the city said in a tweet.

City of Virginia Beach offering free flu shots, dental exams

Southside Daily – Oct. 17, 2018

The Virginia Beach Department of Public Health will host a free flu vaccination clinic at Newtown Elementary School on Saturday from 10 a.m. to 1 p.m. Public Health nurses, Virginia Beach Medical Reserve Corps volunteer nurses and Emergency Medical Service personnel for the city will administer seasonal flu vaccines for free.

Flu vaccine information:

- Adults and children (ages 3 and older) are eligible to receive the vaccine.
- Parents of children who are ages 3-8 should bring a copy of immunization records.

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